

# SENATE BILL REPORT

## ESSB 6076

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As Passed Senate, February 14, 2014

**Title:** An act relating to the maintenance and operations of parks and recreational land acquired through the conservation futures program.

**Brief Description:** Concerning the maintenance and operations of parks and recreational land acquired through the conservation futures program.

**Sponsors:** Senate Committee on Natural Resources & Parks (originally sponsored by Senators Benton and Dansel).

**Brief History:**

**Committee Activity:** Natural Resources & Parks: 1/23/14, 1/30/14 [DPS].  
Passed Senate: 2/14/14, 45-3.

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### SENATE COMMITTEE ON NATURAL RESOURCES & PARKS

**Majority Report:** That Substitute Senate Bill No. 6076 be substituted therefor, and the substitute bill do pass.

Signed by Senators Pearson, Chair; Liias, Ranking Member; Dansel, Hargrove, Hewitt, Kline and Parlette.

**Staff:** Bonnie Kim (786-7316)

**Background:** Statute states that conservation futures are a useful tool for counties to preserve lands of public interest for future generations. The conservation futures levy is a local option property tax assessed at the county level. The maximum levy rate is \$0.0625 per \$1,000 of assessed value. A county may credit all collected conservation futures taxes into a special conservation futures fund. Counties with populations exceeding 100,000 must develop a process to ensure the levy is distributed throughout the county.

Counties may use conservation futures tax revenues to acquire by purchase, gift, grant, bequest, devise, lease, or otherwise, except by eminent domain, the fee simple or any lesser interest, development right, easement, covenant, or other contractual right necessary to protect, preserve, maintain, improve, restore, limit the future use of, or otherwise conserve, selected open space, farm, agricultural, and timber lands for public use or enjoyment. All rights or interests in real property acquired with conservation futures tax revenues must be located within the assessing county.

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*This analysis was prepared by non-partisan legislative staff for the use of legislative members in their deliberations. This analysis is not a part of the legislation nor does it constitute a statement of legislative intent.*

Open space lands include land areas that enhance the value to the public of abutting or neighboring parks, forests, wildlife preserves, and nature reservations or sanctuaries. Counties may use up to 15 percent of conservation futures tax revenues collected during the previous year for maintenance and operations of parks and recreational land. Tax revenues may not be used to supplant existing sources of maintenance and operations funding.

**Summary of Engrossed Substitute Bill:** In general, a county may allocate up to 15 percent of conservation futures tax revenues for maintenance and operations of parks and recreational land. A county that has (1) acquired rights or interests in 1000 or more acres of real property with conservation futures tax revenues, and (2) collected a conservation futures levy for ten or more years may allocate up to 25 percent. A county that has (1) acquired rights or interests in 4000 or more acres of real property with conservation futures tax revenues, (2) collected a conservation futures levy for 20 or more years, and (3) assessed the maximum statutory levy for six or more months may allocate up to 30 percent. County commissioners must approve the use of conservation futures tax revenues for maintenance and operation costs prior to any allocation.

**Appropriation:** None.

**Fiscal Note:** Not requested.

**Committee/Commission/Task Force Created:** No.

**Effective Date:** Ninety days after adjournment of session in which bill is passed.

**Staff Summary of Public Testimony on Original Bill:** PRO: For counties that have been involved in the conservation futures program for many years, land maintenance and operation costs will eventually exceed the current 15 percent statutory cap. This bill grants counties greater flexibility in managing their acquired conservation futures lands by permitting allocation of revenue otherwise restricted to the purchase of more lands toward necessary maintenance and operation activities. The counties are not asking for a rate increase but for flexibility in the use of conservation futures tax revenues.

CON: This bill takes dedicated funds and repurposes them for maintenance and operation budgets. Raising the cap to 35 percent would supplant existing maintenance and operation funds in a county's budget. This is not an appropriate use for this sort of dedicated funding source. There should be a uniform policy on this issue rather than the current tiers.

OTHER: There is some support for increasing funds for maintenance and operations for parks. However, the thresholds presented in the bill are too high and there is no protection against using these funds to supplant existing maintenance and operation funding at the higher levels.

**Persons Testifying:** PRO: Senator Benton, prime sponsor; Shelly O'Quinn, Spokane County Commissioner; Doug Kelley, Spokane County Parks Advisory Committee; Doug Chase, John Bottelli, Spokane County; Mike Burgess, Clark County; Pat Lee, Ron Wierenga, Clark County Environmental Services Dept.

CON: Bill Robinson, The Nature Conservancy.

OTHER: Bill Clark, Trust for Public Land.